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### *Appointed Class Counsel*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

IN RE GOOGLE PLUS PROFILE  
LITIGATION

Case No. 5:18-cv-06164-EJD (VKD)

**UNOPPOSED MOTION [AND  
PROPOSED ORDER] FOR  
AMENDMENT OF CY PRES  
DISTRIBUTION OF UNCLAIMED  
FUNDS**

On January 25, 2021, this Court previously finally approved, and entered a Final Judgment upon, the parties' class action Settlement Agreement.<sup>1</sup> Dkts. 110-111. Pursuant to Section 2.8(e) of the Settlement Agreement, the Settlement Fund shall be applied as follows:

- (a) To pay all Notice and Administrative Costs;
- (b) To pay the taxes described [in the Settlement Agreement];
- (c) After the Effective Date, to pay the Fee, Cost, and Expense Award, and any Service Awards;
- (d) After the Effective Date, to distribute the Net Settlement Fund to Claimants in accordance with the Final Approval Order or any subsequent order of the Court; and
- (e) To distribute Residual Settlement Payments (if any) to Approved Cy Pres Recipients.

On July 18, 2022, Class Counsel moved for (and Google did not oppose) a cy pres distribution of unclaimed funds. Dkt. 129. After accounting for all of the costs enumerated above, approximately \$364,374.35 remained available for a cy pres distribution. Dkt. 129. The cy pres recipients were previously selected via the procedure set forth in the Court’s preliminary approval order: interested entities submitted applications for cy pres distributions to court-appointed special master, retired Magistrate Judge Elizabeth LaPorte of JAMS (the “Special Master”). Dkt. 71 at ¶ 10. The Special Master, after reviewing the cy pres distribution applications and supporting declarations, recommended that Stanford Law School’s Center for Internet and Society (“CIS”) and the Electronic Privacy Information Center (“EPIC”) “each be designated to receive its pro rata share of the cy pres funds.” Dkt. 72-1 at 4. Without opposition from Google, the Court found good cause and ordered the Claims Administrator to “disburse equal amounts of the Residual Settlement Payments” to both CIS and EPIC. Dkt. 130.

Subsequently, one of the cy pres recipients—CIS—no longer employs anyone who works on consumer privacy matters. However, the former CIS director Dr. Jennifer King—whose work was highlighted in CIS’s cy pres application and the Special Master’s report—now works at Stanford’s

<sup>1</sup> All capitalized terms used herein will have the meaning attributed to them in the Settlement Agreement (previously filed at Dkt. 57-2 and cited to herein as “S.A.”) unless otherwise defined herein.

1 Institute for Human-Centered Artificial Intelligence (“HAI”).<sup>2</sup> Since CIS no longer performed work  
2 relevant to the purposes associated with the initial cy pres application and finding from the Special  
3 Master, CIS contacted Class Counsel and requested that the cy pres to be awarded to CIS instead be  
4 awarded to HAI under the supervision of Dr. King.

5 Accordingly, Class Counsel respectfully request that the Court modify its Order for Cy Pres  
6 Distribution of Unclaimed Funds (Dkt. 130) from “Stanford Law School’s Center for Internet and  
7 Society (‘CIS’)” to “Stanford’s Institute for Human-Centered Artificial Intelligence (‘HAI’).” Class  
8 Counsel have conferred with counsel for Google in advance of filing this motion, and Google does  
9 not oppose the requested relief.

10 Dated: March 22, 2023

11 /s/ John A. Yanchunis

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27 <sup>2</sup> See <https://hai.stanford.edu/people/jennifer-king>.

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